

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IMPALA PLATINUM HOLDINGS LIMITED
and IMPALA REFINING SERVICES LIMITED

v.

A-1 SPECIALIZED SERVICES AND SUPPLIES,
INC., *et al.*

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: CIVIL ACTION
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: No. 2:16-CV-1343-MMB
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MEMORANDUM AND ORDER

Baylson, J.

December 22, 2017

Ashok Kumar Khosla (“Kumar”) and Alliance Industries Limited (“Alliance”) have sought a stay on the injunction issued as of November 21, 2017 (ECF 557). There is an extensive history of this case which will not be reviewed in this Memorandum. One of the assertions in the Motion for Stay is that this Court erred by not having an evidentiary hearing as required by Pennsylvania Rule of Civil Procedure 3118. I respectfully disagree. Numerous evidentiary hearings were held in this case, as well as a jury trial. In one of the post-trial hearings, Kumar testified, admitting that he has assets to satisfy the judgment against him as a result of the jury verdict, but refuses to do so. Impala, the Plaintiff/Judgment Creditor, may not be able to put a lien on them because they are jointly held by Kumar and his wife. There is no dispute in the record that Kumar is attempting to avoid execution after his attorney represented in open court that Kumar would satisfy any judgment that was entered against him as a result of the trial. Although it is correct that Alliance was absolved from liability as a result of the jury trial, the record is clear that Kumar controls Alliance, and thus the injunction was justified. However, there is nothing to prevent Alliance and/or Kumar from petitioning the Court for approval of any

specific transaction that Alliance desires and/or requires that would not be prejudicial to Plaintiff Impala.

It is **ORDERED** that the Motion to Stay is **DENIED**.

BY THE COURT:

/s/ Michael M. Baylson

Michael M. Baylson, U.S.D.J.